APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,823	04/06/2000	Stephane Herman Maes	YO999-478	9287

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William E Lewis
Ryan & Mason LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER
BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
	09/544,823	MAES ET AL.
Office Action Summary	Examiner	Art Unit
	Douglas B Blair	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 April 2000</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-91</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-91</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> .   6) ☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)   Office Action Summary   Part of Paper No. 7

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: attribute is misspelled in line 21 of page 121. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 91 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the step of representing user interaction, does not reasonably provide enablement for further steps that are implied by the preamble of the claims. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to implement the invention commensurate in scope with these claims. The solitary step claimed (in claims 1 and 91) is considered a single means where a means recitation does not appear in combination with another recited element of means and is subject to an undue breadth rejection (See M.P.E.P. Section 2164.08(a)).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 29, 35-36, 43, 47, 73 and 79-80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   Claims 3, 43, and 47 recite the limitation "the content/application logic connection code".

There is insufficient antecedent basis for this limitation in the claims.

7.   Claims 29 and 73 recite the limitation "the step of providing". There is insufficient

antecedent basis for this limitation in the claims.

8.   Claims 29 and 73 recite the limitation "the association". There is insufficient antecedent

basis for this limitation in the claims.

9.   Claims 35-36 and 79-80 recite the limitation "the step of including". There is insufficient

antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

11.   Claims 1-29, 34, 36-73, 78, 80-87, and 90-91 are rejected under 35 U.S.C. 102(e) as

being anticipated by U.S. Patent Number 6,269,336 to Ladd et al..

12.   Ladd teaches the invention as claimed (As in exemplary claim 90) including a browser

apparatus for use in providing access to an application by a user through one or more computer-

based devices, comprising a machine readable medium containing computer executable code

(col. 2, lines 27-58) which when executed permits the implementation of the steps of: obtaining

the application from an application server, the application being programmatically represented

by interaction that the user is permitted to have with one or more computer-based devices by

interaction-based programming components, wherein the interaction-based programming

components are independent of content/application logic and presentation requirements

associated with the application (col. 12, lines 7-24); and transcoding the interaction-based

programming components on a component by component basis to generate one or more modality

specific renderings of the application on the one or more computer-based devices (col. 12, lines

7-24).

13.   As to claims 1, 44, and 91, they feature the same limitations as claim 90 and are thus

rejected on the same basis as claim 90.

14.   As to claim 45, Ladd teaches an apparatus wherein one or more processors are distributed

over the one or more computer-based devices (col. 5, lines 20-35).

15.   As to claim 46, Ladd teaches an apparatus wherein at least a portion of the application is

to be downloaded from a server to at least one of computer-based device, acting as a client,

further comprising the step of including code in the application operative to provide a connection

to the content/application logic resident at the server (col. 14, lines 10-35).

16.   As to claim 47, Ladd teaches an apparatus wherein the content/application logic

connection expresses at elast one of one or more data models, attribute constraints and validation

rules associated with the application (col. 14, lines 18-42).

17.   As to claim 48, Ladd teaches an apparatus wherein one or more modality specific

rendering comprise a speech-based representation of portions of the application (col. 14, lines18-

56).

18.   As to claim 50, Ladd teaches one or more modality-specific renderings comprising a

visual-based representation of portions of the application (col. 3, lines 40-57).

19.   As to claim 51, Ladd teaches a visual-based representation based on HTML (col. 3, lines

58-61, Web browsers interpret HTML).

20.   As to claims 52-54, Ladd teaches user interactions declaratively and imperatively

represented by the interaction-based programming components (col. 5, lines 8-11, XML is both

imperative and declarative language).

21.   As to claim 55, Ladd teaches interaction-based programming components comprising

basic elements associated with a dialog that may occur between the user and one or more

computer-based devices (col. 12, lines 25-67).

22.   As to claim 56 Ladd teaches interaction based programming components comprising

complex elements, the complex elements being aggregations of two or more of the basic

elements associated with the dialog that may occur between the user the one or more computer-

based devices (col. 12, lines 25-67).

23.   As to claim 57, Ladd teaches interaction-based programming components represent

conversational gestures (col. 12, lines 30-67).

24.   As to claim 58, Ladd teaches conversational gestures comprising a gesture for

encapsulating contextual informational messages to the user (col. 12, lines 30-67).

25.   As to claim 59, Ladd teaches conversational gestures comprising a gesture for

encapsulating contextual help information (col. 12, lines 30-67).

26.   As to claim 60, Ladd teaches conversational gestures comprising a gesture for

encapsulating actions to be taken upon successful completion of another gesture (col. 12, lines

30-67).

27.   As to claim 61, Ladd teaches conversational gestures comprising a gesture for

encapsulating yes or no based questions (col. 12, lines 30-67).

28.   As to claim 62, Ladd teaches conversational gestures comprising a gesture for

encapsulating dialogues where the user is expected to select from a set of choices (col. 12, lines

30-67).

29.   As to claim 63, Ladd teaches a gesture comprising a subelement that represents the set of

choices (col. 12, lines 30-67).

30.   As to claim 64, Ladd teaches a gesture comprising a subelement that represents a test that

the selection should pass (col. 12, lines 30-67)

31.   As to claim 65, Ladd teaches a gesture comprising a subelement that represents an error

message to be presented if the test fails (col. 12, lines 30-67).

32.   As to claim 66, Ladd teaches conversational gestures comprising a gesture for

encapsulating rules for validating results of a given conversational gesture (col. 18, lines 56-65).

33.   As to claim 67, Ladd teaches conversational gestures comprising a gesture for

encapsulating grammar-processing rules (col. 18, lines 56-65).

34.   As to claim 68, Ladd teaches conversational gestures comprising a gesture for encapsulating dialogues that help the user navigate through portions of the application (col. 12, lines 30-67).

35.   As to claim 69, Ladd teaches conversational gestures comprising a gesture for encapsulating a request for at least one of user login and authentication information (col. 21, lines 25-40).

36.   As to claim 70, Ladd teaches conversational gestures comprising a request for constrained user input (col. 12, lines 30-67).

37.   As to claim 71, Ladd teaches conversational gestures comprising a request for unconstrained user input (col. 12, lines 30-67).

38.   As to claim 72, Ladd teaches conversational gestures comprising a gesture for controlling submission of information (col. 12, lines 30-67).

39.   As to claim 73, Ladd teaches a step of providing a mechanism for defining logical input events and the association between the logical input events and physical input events that trigger the defined logical input events (col. 14, lines 18-35).

40.   As to claim 78, Ladd teaches a representation wherein the interaction-based programming components supports a natural language understanding environment (col. 14, lines 18-35).

41.   As to claim 80, Ladd teaches a step of including code for permitting changes to rules for transcoding on a component by component basis to generate the one or more modality specific renderings of the application on the one or more computer-based devices (col. 4, lines 25-36).

42.   As to claim 81, Ladd teaches a definition of an underlying data model being populated is separated from a markup language defining user interaction (col. 8, lines 13-34).

43.   As to claim 82, Ladd teaches a node_id attribute attached to each component and the

attribute is mapped over to various outputs (col. 25, lines 1-40, Each user has a globally unique

ID which is associated with various attributes.).

44.   As to claim 83, Ladd teaches an author provided with a pass through mechanism to

encapsulate modality-specific markup components (col. 5, lines 1-11).

45.   As to claim 84, Ladd teaches components which may be active in parallel (col. 4, lines

25-36).

46.   As to claim 85, Ladd teaches a representation and transcoding as being extensible (col. 5,

lines 1-11).

47.   As to claim 86, Ladd teaches a state of the application being encapsulated (col. 5, lines 1-

11).

48.   As to claim 87, Ladd teaches a representation permitted to reference the dynamically

generated data and supports callback mechanisms to the content/application logic (col. 12, lines

30-67).

49.   As to claims 2-29, 34, and 36-41, these claims have the same limitations claims 46-73,

78, and 80-87 and are thus rejected on the same basis as claims 46-73, 78, and 80-87.

50.   As to claim 42, Ladd teaches a state of an application encapsulated (col. 18, lines 1-10).

51.   As to claim 43, Ladd teaches a representation permitting reference to dynamically

generated data and supporting callback mechanisms to the content/application logic (col. 12,

lines 30-67).

Claim Rejections - 35 USC § 103

52.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

53.   Claims 5, 31-32, 49, and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent Number 6,269,336 to Ladd et al..

54.   As to claim 49, Ladd teaches an apparatus wherein a speech based representation is based

on voice XML (col. 5, lines 8-11); however; Ladd does not specifically teach the use of

VoiceXML.

Official Notice is taken that it was well known to use VoiceXML at the time of the

applicant's invention.

It would have been obvious for one of ordinary skill in the Comoputer Networking art to

combine the teachings of Ladd regarding a speech application system with VoiceXML because

VoiceXML is a functionally equivalent alternative language to the VoxML discussed by Ladd in

col. 5, line 10.

55.   As to claim 75, Ladd does not explicitly teach the use of a Java Bean for transcoding

components.

Official Notice is taken that it was well known to use Java programming techniques for

data processing at the time of the applicants' invention.

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Ladd regarding a speech application system

with the Java and Java Beans because Java provides multi-platform functionality to an

application.

56.   As to claim 76, Ladd does not explicitly teach the use of a Java Server Pages for

transcoding components.

Official Notice is taken that it was well known to use Java programming techniques for

data processing at the time of the applicants' invention.

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Ladd regarding a speech application system

with the Java and Java Server Pages because Java provides multi-platform functionality to an

application and Java Server Pages provide similar functionality to XML.

57.   As to claims 5 and 31-32, they feature the same limitations as claims 49 and 75-76 and

are rejected on the same basis as claims 49 and 75-76.

58.   Claims 30 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,269,336 to Ladd et al. in view of the World Wide Web Consortium document

entitled "Extensible Stylesheet Language (XSL) version 1.0" (hereinafter referred to as "XSL

version 1.0 specification").

59.   As to claim 74, Ladd teaches the apparatus of claim 74; however Ladd does not teach the

use of XSL.

The XSL version 1.0 specification teaches component transcoding performed in

accordance with XSL transformation rules (Overview, page 7).

It would have been obvious to one of ordinary skill in the Computer Networking art at the

time of the invention to combine the teachings of Ladd regarding a speech application system

with XSL because XSL reduces the amount of code needed to create XML objects (Overview, page 7).

60.   As to claim 30, it features the same limitation of claim 74 and is thus rejected on the same basis as claim 74.

61.   Claims 33, 77, and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,336 to Ladd et al. in view of U.S. Patent Number 6,493,758 to McLain.

62.   As to claim 77, Ladd teaches the apparatus of claim 44; however, Ladd does not explicitly teach synchronization.

McLain teaches an apparatus with a representation by interaction-based programming components permitting synchronization of one or more modality-specific renderings of an application on one or more computer-based devices (col. 3, lines 40-65).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of Ladd regarding a speech application system with the teachings of McLain regarding synchronization because synchronization ensures that the application will be provided with up to date data (McLain, col. 4, lines 1-6).

63.   As to claims 33 and 88, they feature similar limitations to claim 77 and are rejected on the same basis as claim 77.

64.   Claims 35, 79, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,336 to Ladd et al. in view of U.S. Patent Number 6,456,974 to Baker et al..

65.   As to claim 79, Ladd teaches the apparatus of claim 44; however, Ladd does not explicitly teach display aspects.

Baker teaches code for permitting cosmetic altering of a presentational feature associated

with one or more modality-specific renderings of an application on one or more computer-based

devices in an integrated speech based browsing system (col. 3, lines 7-32).

It would have been obvious to one of ordinary skill in the Computer Networking art to

combine the teachings of Ladd regarding a speech application system with the teachings of

Baker regarding cosmetic altering changes because combining speech with cosmetic aspects

creates smarter user interfacaes (Baker, col. 1, lines 15-41).

66.   As to claims 33 and 89, they feature similar limitations to claim 79 and are rejected on

the same basis as claim 79.

Conclusion

67.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The

examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3800.

MARC THOMPSON
GAU 2142

Douglas Blair
April 6, 2003
DBB